

REMARKS/ARGUMENTS

Prior to contending with the prior art, a summarization of the inventive advance of the method for and apparatus of efficient selection and acquisition of a wireless communications system is briefly described to foster easier grasp of the invention, and to establish a clearer line of distinction between the invention method and apparatus compared to that in the cited and applied references of Mazzara, Bamburak et al. and Narasimha et al.

The invention recites a method and apparatus for efficiently selecting and acquiring a wireless communications systems, (as opposed to the prior art where each failed attempt may take up to 20 seconds and may be caused by a variety of factors, i.e., inability to detect a pilot signal or a blocked or weakened signal due to physical obstructions) wherein a mobile station is adapted to avoid unusable wireless communications systems during system acquisition – wherein the mobile station includes processing circuitry and a memory storing a preferred roaming list and system avoidance data. The system avoidance data identifies unusable systems and includes corresponding avoidance criterion, so that the processing circuitry selects a system from the preferred roaming list based upon a predetermined system acquisition procedure, wherein the selection system is skipped if corresponding avoidance criterion (equal to a current time plus an avoidance duration time) is satisfied. If the selected system is useable, the mobile station may attempt to acquire and register with the selected system. Also, the processing circuitry is further adapted to add systems to the system avoidance data responsive to a communications failure, and

remove systems from the system avoidance data when corresponding avoidance criterion is no longer satisfied.

Mazzara in view of Bamburak et al. and Narasimha would not render the invention obvious under 35 USC 103(a).

This is because, Mazzara's objective is to provide a method for establishing a wireless service connection for a mobile vehicle to a cellular network, using preferred carriers and procedures depending on the geographical region in which the mobile vehicle is located, and overcoming the deficiencies and obstacles thereto by prioritizing a portion of a system access list based on a channel identifier in a first band; selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion, wherein the connection notification comprises a rejection of a call origination and comprises a rejection of an attempt to register with a carrier.

The deficiency in Mazzara of failing to include corresponding avoidance wireless criterion for not using the wireless communications system is not compensated for by any teachings in the secondary references of Bamburak et al. or Narasimha et al. As indicated in applicants' specification in paragraph [0010] the avoidance criterion includes an avoidance time that is equal to a current time plus an avoidance duration time. The avoidance duration time may be found in a lookup table that includes an entry for each of a plurality of communications failures and corresponding avoidance durations.

It is abundantly clear that Mazzara evidences no appreciation for or acknowledgement of, applicants' essential component of a necessary and indispensable avoidance criterion to prevent any failed registrations/acquisition attempts that are common and time consuming that may take

up to 20 seconds due to a variety of factors such as the mobile device being unable to detect a pilot signal transmitted from a system base station if the pilot signal is blocked or weakened by physical obstructions (as related in [0005] of applicants' specification).

This deficiency of Mazzara is not compensated for by any teachings in the secondary reference of Bamburak et al. which disclose a method for categorization of multiple providers in a wireless communications service environment wherein, after power-up, a mobile communications device (cellular telephone) checks the most recently used control channel to determine whether an optimal service provider is available on that channel, and if an optimal service provider is not available or if that channel is not available, the mobile device performs a search through frequency spectrum in a predetermined order until an optimal or acceptable service provider is located, as is illustrated in FIG. 4 by the flowchart illustrating a spectrum searching routine. Consequently, even though Bamburak et al. is generally in the field of endeavor of operating cellular phones in a wireless communications service environment, it too makes no reference to or acknowledgement of, a method for efficiently selecting and acquiring a preferred wireless communications system to avoid situations where failed registration/acquisition attempts are common and time consuming to the extent that each failed attempt may take up to 20 seconds and may be caused by the cellular phone being unable to detect a pilot signal transmitted from a system base station if the pilot signal was blocked or weakened by physical obstructions – let alone provide any solution thereto.

Even if arguendo the combination of Mazzara and Bamburak et al were tenable – and Applicant contends that it is not for reasons already explained – the combination would not arrive at the method and apparatus recited in Applicants claims. Neither would the combination

in the Applicant's claims be rendered obvious under the established guidelines of 35 USC §103(a).

A review of the abandoned Narasimha et al. application shows that it disclose multiple-mode wireless terminals that can operate under both an AMPS and CDMA system and does this by attempting to acquire the CDMA system at the multiple-mode AMPS/CDMA wireless terminal independent of receiving a Global Action (GA) overhead message from the AMPS system at the multiple-mode AMPS/CDMA wireless terminal, while continuing to receive paging messages for the multiple-mode AMPS/CDMA wireless terminal from the AMPS system.

In particular, paragraphs 0043 and 0044 thereof only disclose that in spaced apart time intervals during which an attempt is made to acquire the CDMA system is successful, embodiments of the invention can wait for predetermined time until new attempts are made to acquire the CDMA system, the wait may be a constant time, the wait time may increase with each cycle of operations, or the wait time may increase until a predetermined maximum wait time is achieved, after which the maximum wait time is maintained. Clearly, this is not an avoidance time that is equal to a current time plus an avoidance duration time, in the absence of the use of hindsight, after having access to applicants' invention.

Accordingly, even if the disclosures in paragraphs 0043 and 0044 of abandoned Narasimha et al. application were combined with the combination of Mazzara in view of Bamburak et al., applicant's invention as presently recited would not result. Neither would such a combination render applicant's invention obvious under the express requirements of 35 USC §103(a).

Conclusion

When the application is taken up for examination on the merits, it is respectfully requested that the foregoing amendments, explanations and arguments be taken into consideration.

October 10, 2008

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